

**Ravalli County Planning Board**  
**Meeting Minutes for March 18, 2009**  
**3:00 p.m.**  
**Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Meeting**  
Discussion on Subdivision Regulation Revisions

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.*

**1. Call to order**

**Lee Kierig** called the meeting to order at 3:03 p.m.

**2. Roll Call** (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)  
Jim Dawson (present)  
Howard Eldredge (present)  
Ben Hillicoss (present)  
Lee Kierig (present)  
Fran Maki (absent-excused)  
Chip Pigman (present)  
Les Rutledge (present)  
Cheryl Tenold (present)  
Lee Tickell (present)  
Jan Wisniewski (present)

Park Board Representative: Mike Enzler (absent-excused)

(B) Staff

Randy Fifrick  
Danielle High  
John Lavey  
Tristan Riddell  
Jon Wickersham

**3. Approval of Minutes**

**Lee Kierig** asked if there were any corrections or additions to the minutes from March 4, 2009.

**Jim** stated there were a few corrections to the minutes. He said that he would like to see his discussion on the sewer and well issues with Elk Ridge Subdivision added and Lee Tickell's comments on the sewer. He asked if Lee Tickell agreed to the changes.

**Lee Tickell** stated that he agreed to those changes.

**Lee Kierig** stated that the minutes are approved with the corrections and additions.

4. **Amendments to the Agenda**

There were none.

5. **Correspondence**

**John** stated that he had received a memo from the Commissioners. He read the memo aloud to the Board Members. (See Attachment B, Commissioners Memo)

**Lee Kierig** asked what constitutes legitimate findings of facts and conclusions of law. He stated that he believes that issue has not been resolved.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

(A) Discussion on Subdivision Regulation Revisions

**John** stated that he wanted to direct the Board's attention to the Vision, Goals & Objectives Statement. He said that he wanted to talk to the Board about the draft goals and objectives and see if the Board agreed with them or wanted to add to them. (See Attachment C, Vision, Goals & Objectives Statement)

**Chip** asked what "excellent development" means; everyone could have their own definition of the phrase. He asked if the sentence about implementing creative, lawful and practical incentives that encourage excellent development was a broad sentence that the Planning Board would have to define.

**John** stated that everyone will have different definitions of what it means. He said that statement is a general sentence and the Planning Board would be asked to shape what it means.

**Lee Kierig** asked what "modern" subdivision regulations mean. He also asked what constitutes findings of facts. He said that with the governing people standing against receiving current statistics, it would be a difficult process.

**John** stated that they were only talking about the Subdivision Regulations. He said that modernizing the Subdivision Regulations was in reference to updating the design guidelines within Chapter 5.

**Lee Kierig** asked how the Board was to make those design guidelines if nobody considers the new science, data and facts that are impacting the world.

**John** stated that the Planning Board would have to sit down together and see if that is relevant to the Subdivision Regulations.

**Lee Kierig** stated that it was not a personal agenda coming from him; these are real and pertinent problems that face the Community.

**Les** stated that in 2006, the regulations went through public review and there had been a number of public comments received. He gave a little background on how the Subdivision Regulations came about. He asked if the Board could look at public comments before the Board looks at the goals and objectives.

**John** stated that it is true that the Subdivision Regulations now are modernized to a point. He said that is because in 2007 the Legislature made some changes to the process and the timeline for subdivision review. He said that the Board would be focusing on modernizing the design standards within the Subdivision Regulations. He thinks that the Board could look at the public comments that were turned in during the last Subdivision Regulation revision process.

**Ben** asked if John could clarify what “identify and implement current appropriate management practices” means.

**John** said that maybe management was not the right word. He stated that they need to look at what design practices are appropriate for this valley. He said that you have to think about what would be applicable for the valley when you look at other regulations.

**Chip** asked if we have had time to look at what other areas have done as far as their regulations and if they have the same issues that we have. He also asked if there was any value looking at what other Counties have done with their regulations

**John** replied that the Board should look at what other people have done in Montana and other places. He stated that they should focus on regulations that have been recently adopted in Montana.

**Lee Tickell** stated that there are 12,000 counties in this country. He asked if they should look at counties that they think are good ones to start with that are somewhat similar to Ravalli County.

**John** said that the Planning Department would come up with tasks with certain objectives. He said that how far the Board takes the research is up to them.

**Les** stated that in 2006, the Board members looked at what other Counties had done for their Subdivision Regulations. He said that he thinks that this research is very valuable and that the Board cannot read every county’s Subdivision Regulations. He said that maybe the Planning Department could tell the Board what counties to focus their attention on.

**Lee Kierig** stated that the Vision, Goals & Objectives statement uses the word modern twice. He stated that modern standards are far ahead of the language in State Law and could create a conflict.

**John** stated that with each task they give to the Board, the Board needs to give the Planning Department their legal analysis. He asked the Board if this was the direction that they would like to take.

The Board all agreed that it was the direction that they would like to take as far as the purpose and the Goals & Objectives of the Revision of the Subdivision Regulations.

**Lee Kierig** asked what the role of the Planning Board would be and how they might structure the Board so that there is some organization.

**Ben** asked if the Board would be involved with the draft writing process of the Regulations. (See Attachment D, Ravalli County Subdivision Regulation Revision Process)

**John** replied that if they did work on drafting, it would be listed in the second task. He said that if the Board had identified some good design standards, the Planning Department might have them provide sample code.

**Ben** stated that they might be operating in the dark if they were busy working on the tasks assigned to them by the Planning Department while there are public meetings being held.

**John** stated that the Planning Board is welcome to attend the public open house. He said that the first task assigned to the Planning Board is important and that the Planning Department needs them to focus on the first task. He asked what issues the Board has experienced with the current Subdivision Regulations.

**Lee Tickell** stated that the involvement of the County Attorney's Office should be in an earlier stage of the process.

**Les** disagreed.

**John** directed the Board's attention to the memo titled "Role of the Planning Board in the Subdivision Revision Process." (See Attachment E, Role of the Planning Board in the Subdivision Revision Process) He stated that he would like the Planning Board's feedback on how or if they can work under this structure.

**Chip** stated that he thinks they can. He stated that the sideboards would help them focus, because each person will want to work on a certain part.

**Ben** stated that it seems like a pretty big piece of work. He said that the question is if they are going to do it as one subcommittee or multiple subcommittees. He asked how long this might take.

**John** stated that the level of involvement would not change between the first and second tasks. He said that all the tasks are going to be fairly large. He said that the Board would not see Task 2 until Task 1 is completed.

**Ben** asked if a subcommittee could work on Task 1 while another subcommittee worked on Task 2.

**John** stated that the Planning Department would like the Planning Board to just work on Task 1 and only move on to Task 2 when the first task is completed, because it is likely that information noted in Task 1 will help give direction to the completion of Task 2.

**Mary Lee** stated that she thinks that they should split the tasks up so things will get done.

**Lee Kierig** said that it would be relevant during the diagnosis to include some evaluation of the ability of the Subdivision Regulations to accomplish some of the goals and visions for the future of the community. He stated that might help with focusing on what parts of the Subdivision Regulations are lacking sufficient language and what parts need to be changed. He stated that it would make sense to get the volunteers who wanted to work on the Subdivision Regulations and break up the tasks.

**Ben** suggested identifying who would like to work on this project and when they would like to meet. He also stated that they could elect a chair for the committee who would organize the meetings. He asked if the Board has to do all of the assessment part before they can start on multiple tasks as individuals and meeting back periodically.

**John** stated that in Task 1, the Board does not have to take on the topics in any particular order, but the Planning Department would like them to be addressed.

**Les** said that the questions that are proposed to the Board are very general. He said that it would take less time to come up with items that need addressing. He said that there is no reason for the Board to be bogged down when they just need to be general and decide what needs to be included and fixed. He suggested that there needs to be a small group of members to look over the regulations and decide and come up with examples where the language is not very well-written.

**Jan** asked if there was a list of issues with the Subdivision Regulations that the Planning Department has collected and if the Board could receive a copy of that list.

**John** stated that there is a list and he could get a copy to the Board.

**Curtis Cook** stated that the current Subdivision Regulations are pretty good as they are. He said that there are a few changes to be made. He said that when the Planning Board meets, there should be marginal notes. He said there are a couple of things in the definitions that are missing or are not defined.

**Lee Kierig** stated that each Board member, on their own time, could read over the Subdivision Regulations and make notes to bring to the meeting when they meet. He asked if the Board will have access to the interested public and their comments in the course of their involvement.

**John** stated that if the Planning Board has quorumed meetings, that the public would be notified. If they are meeting as a subcommittee, that is not quorum and the Board has the choice to notify the public and allow public comment at those meetings. He also told the Planning Board that the Planning Department is going to hold a open house for the public and that the Planning Board members are welcome to attend. He also said that the public can submit comments to the Planning Department. He asked who on the Planning Board would be interested in working on the revision of the Subdivision Regulations.

The following Planning Board Members volunteered to work on the Subdivision Regulation Revisions: Mary Lee Bailey, Jim Dawson, Les Rutledge, Chip Pigman, Cheryl Tenold, Lee Tickell, and Ben Hillicoss.

**Ben** stated that he would like to hold no more then one meeting a week. He said that he would like to work it out so that the meetings are not in the same place every week so

that people who live farther away do not have to drive in every week. He said that he would like to nominate a chair to organize and make an agenda for the meetings.

**Les** asked if the whole Board was going to work on this project.

**Ben** answered that not everyone on the Board wanted to. He said that two Board members voted not to work on it and two members were absent.

**Les** said that every time they meet, they have to advertise it because there is a quorum. He said that he thinks there should be groups of the Planning Board that meet and discuss different parts of the tasks.

**Ben** suggested that at the first meeting, everyone should look at the tasks and decide which ones they would like to work on.

**Lee Kierig** stated that they could just decide that right now.

**Lee Tickell** asked if the Planning Board has support from the Planning Department for these meetings every week.

**John** stated he would like to keep Planning Staff in the office. He stated that the Planning Staff would be at their regular meetings, but the Board should nominate a minutes taker for the subcommittee meetings.

**Lee Kierig** asked if an audio recording of the minutes would be sufficient.

**John** said that it would be fine legally, but it would be better to have the minutes in writing.

**Cheryl** volunteered to take the minutes.

**Ben** stated that he would like to ask what each Board member would like to work on instead of just assigning tasks. He suggested that they have the Board members look at the different tasks and then decide what they would like to work on. He said that if more than one Board member would like to work on the same task, then it is up to those Board members to take set up the meetings and get together.

**Les** stated that a subcommittee works more effectively. He said that he is leery of putting the Board in a difficult situation.

**Cheryl** suggested that they set up a meeting once a week, same time, same place, post an agenda and meet. Whoever wants to be there, will show up.

**John** said that the meeting would be legally noticed and whoever wants to come could come and there would be minutes taken.

**Mary Lee** asked if there needs to be a quorum at those meetings; if they come up with anything, did they need to bring it back to the full Board for review and a final decision?

**John** replied that they would. He said that if a subcommittee comes up with a decision, then they would bring it back to the full Board before it is passed on to the Planning Department.

**Chip** made a motion to nominate Ben Hillicoss to be the chair of the Subdivision Regulation Revision subcommittee and to hold the meetings at the Bitterroot Library in Hamilton every Tuesday at 9:00 a.m. if it is available to discuss the first two items on the list. He stated that the next meeting would be Tuesday, March 24, 2009. (See Attachment F, Subdivision Regulations Revisions Planning Board Task 1: Subdivision Regulation Diagnosis)

**Jan** seconded the motion.

**John** stated that since Ben was nominated as the chair of the subcommittee, he would be the primary contact. He stated that the Planning Department would contact the Library to see if it is available.

**Ben** said that they need to be prepared and bring whatever they had worked on from the list with them to the meeting.

**Chip** stated that Cheryl is the minute taker for the meetings.

**Cheryl** asked if they need to record the meeting and take written minutes.

**John** said that they just need to take written minutes.

**Ben** asked if they can use the Planning Department's laptop and projector.

**John** replied that the Planning Department would think about it.

**Ben** asked if they can have the meetings in a location with a conference phone in case one of the Board members cannot drive to the meeting, but still want to participate.

**John Lavey** replied that if they need it, then the Board can let the Planning Department know.

**Tristan** stated that the Planning Department had a conference room that may fit up to ten people.

The Board members took a voice vote and unanimously (10-0) approved the motion.

#### 8. **Communications from Staff**

##### (A) Board Training Opportunity

**John** stated that as a reminder there will be a special Board training opportunity for all Boards in the County to attend. He said that the Board Training would take place at the Hamilton Middle School Auditorium on March 21.

##### (B) Quarterly Mileage Sheets Due

**John** reminded the Board to turn in their mileage sheets by March 31, 2009.

#### 9. **Communications from Public**

There was none.

10. **Communications from The Board**

There was none.

11. **New Business**

There was none.

12. **Old Business**

There was none.

13. **Next Regularly Scheduled Meeting: April 15, 2009, at 3:00 p.m.**

14. **Adjournment**

**Lee Kierig** adjourned the meeting at 4:35 p.m.